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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,408	11/06/2000	Curtis Edward Scott	LD 11168 GEC 2 0384	9954

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EXAMINER

YUN, JURIE

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 12/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,408

Applicant(s)

SCOTT ET AL.

Examiner

Jurie Yun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 10-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9 and 22, drawn to a discharge chamber for a lamp, classified in class 313, subclass 25.
 - II. Claims 10-21, drawn to a method of making a ceramic discharge chamber, classified in class 264, subclass 645.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the discharge chamber could be made by pouring the mixture into a mold and shaping it before sintering.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Scott A. McCollister on 12/12/02, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-9 and 22. Affirmation of this election must be made by applicant in replying to

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this Office action. Claims 10-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "arc chamber is generally of an ellipsoid shape" of claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1, 2, 4-6, 8, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Neil (USPN 6,004,503).

9. With respect to claims 1 and 22, Neil discloses a discharge chamber for a lamp, the discharge chamber comprising a ceramic article having a main body defining an arc chamber (10) and generally opposed end members (20 and 28) defining openings (22 and 30) which accommodate an electrode or electrode lead through, the ceramic article having the main body and at least one of the end members comprising a monolithic body (Fig. 1).

10. With respect to claim 2, Neil discloses the discharge chamber is formed by injection molding (column 2, lines 17-19).

11. With respect to claims 4 and 5, Neil discloses the ceramic is alumina doped with magnesia (column 2, lines 19-21).

12. With respect to claim 6, Neil discloses the main body is substantially cylindrical in shape (Fig. 2).

13. With respect to claim 8, Neil discloses the end members comprise a generally disk shaped portion having an elongated tube extending from a face (Figs. 1 and 2).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neil (USPN 6,004,503) as applied to claim 1 above, and further in view of Shimai et al. (USPN 4,799,601).

16. With respect to claim 3, Neil does not disclose the discharge chamber having a total transmittance of at least 95% of visible light. Shimai et al. disclose this (column 5, lines 59-60, and Table 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Neil invention and disclose the discharge chamber having a total transmittance of at least 95% of visible light, as taught by Shimai et al. A discharge chamber, especially for use in a lamp, would be more effective and desirable the more visible light it transmits.

17. With respect to claim 9, Neil does not disclose the main body and each of the end members comprises a monolithic body. Shimai et al. disclose this (column 7, lines 13-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Neil invention and disclose the main body and each of the end members comprises a monolithic body, as taught by Shimai et al. As disclosed by Shimai et al. (column 7, lines 52-55), "When the lamp tube 10 is formed as

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one piece or body and has small diameter portions at both ends thereof as in the shown embodiment, only a small amount of frit is required, which increases the lamp life time.”

18. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neil (USPN 6,004,503) as applied to claim 1 above, and further in view of Honda et al. (USPN 6,215,254 B1).

19. With respect to claim 7, Neil does not disclose the arc chamber is generally of an ellipsoid shape. Honda et al. disclose this (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Neil invention and disclose the arc chamber is generally of an ellipsoid shape, as taught by Honda et al. Arc chambers come in various shapes to accommodate the various types and shapes of lamps.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ward et al. (USPN 6,126,887) disclose a method of manufacture of ceramic arc tubes.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jurie Yun whose telephone number is 703 308-3535. The examiner can normally be reached on Monday-Friday 8:30-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 703 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-7722 for regular communications and 703 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0956.

Jurie Yun
December 12, 2002


ROBERT H. KIM
PATENT EXAMINER
TECHNOLOGY CENTER 2800